

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**BRITTEN GLENDALE SMITH**

**PLAINTIFF**

**v.**

**CAUSE NO. 1:18CV404-LG-RHW**

**ZACHARY COEUY, et al.**

**DEFENDANTS**

**ORDER ADOPTING REPORT AND RECOMMENDATIONS  
AND GRANTING MOTION TO FOR SUMMARY JUDGMENT**

**BEFORE THE COURT** is the [28] Report and Recommendation entered by United States Magistrate Judge Robert H. Walker on October 23, 2019. Judge Walker recommends that the [16] Motion for Summary Judgment filed by the defendants, Bruce Archebelle, Zachary Coeuy, Mike Hauler, and Brad Sumrall should be granted and that the 42 U.S.C. § 1983 civil rights complaint filed by Britten Glendale Smith should be dismissed with prejudice pursuant to *Heck v. Humphrey*, 512 U.S. 477 (1994). Judge Walker also recommends that the claims against the unserved defendant Steven Stieler should be dismissed with prejudice on this same basis. The record reflects that the Court mailed a copy of the Report and Recommendation to Smith, but Smith has not filed an objection to the Report and Recommendation. Smith also did not respond to the [16] Motion to Dismiss or for Summary Judgment.

Where no party has objected to the Magistrate Judge's report and recommendation, the Court need not conduct a de novo review of it. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection

is made.”) In such cases, the Court need only satisfy itself that there is no clear error on the face of the record. *Douglass v. United Serv. Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having conducted the required review, the Court finds that Judge Walker’s Report and Recommendation is neither clearly erroneous nor contrary to law. The Court also finds that this dismissal should count as a “strike” pursuant to 28 U.S.C. § 1915(g).

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that the [28] Report and Recommendation entered by United States Magistrate Judge Robert H. Walker is **ADOPTED** as the opinion of the Court.

**IT IS, FURTHER, ORDERED AND ADJUDGED** that the [16] Motion for Summary Judgment filed by Defendants Bruce Archebelle, Zachary Coeuy, Mike Hauler, and Brad Sumrall, is **GRANTED**, and these defendants’ alternative [16] Motion to Dismiss is **MOOT**.

**IT IS, FURTHER, ORDERED AND ADJUDGED** that Britten Glendale Smith’s claims against the unserved defendant, Steven Stieler, are **DISMISSED WITH PREJUDICE** pursuant to *Heck v. Humphrey*, 512 U.S. 477 (1994). The entire 42 U.S.C. § 1983 civil rights complaint filed by Britten Glendale Smith is **DISMISSED WITH PREJUDICE**. This dismissal will count as a “strike” pursuant to 28 U.S.C. § 1915(g).

**SO ORDERED AND ADJUDGED** this the 19<sup>th</sup> day of November, 2019.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.  
UNITED STATES DISTRICT JUDGE